

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 39

SENATE BILL 1057

AN ACT

AMENDING SECTIONS 13-1501, 13-1505 AND 13-1506, ARIZONA REVISED STATUTES;
RELATING TO BURGLARY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1501, Arizona Revised Statutes, is amended to
3 read:

4 13-1501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Enter or remain unlawfully" means an act of a person who enters
7 or remains on premises when such THE person's intent for so entering or
8 remaining is not licensed, authorized or otherwise privileged except when the
9 entry is to commit theft of merchandise displayed for sale during normal
10 business hours, when the premises are open to the public and when the person
11 does not enter any unauthorized areas of the premises.

12 2. "Entry" means the intrusion of any part of any instrument or any
13 part of a person's body inside the external boundaries of a structure or unit
14 of real property.

15 3. "Fenced commercial yard" means a unit of real property THAT IS
16 surrounded completely by either fences, walls, buildings, or similar
17 barriers, or any combination thereof OF FENCES, WALLS, BUILDINGS OR SIMILAR
18 BARRIERS, and THAT IS used primarily for business operations or where
19 livestock, produce or other commercial items are located.

20 4. "Fenced residential yard" means a unit of real property THAT
21 immediately surrounding SURROUNDS or IS adjacent to a residential structure
22 and THAT IS enclosed by a fence, wall, building or similar barrier, or any
23 combination thereof OF FENCES, WALLS, BUILDINGS OR SIMILAR BARRIERS.

24 5. "In the course of committing" means any acts THAT ARE performed by
25 an intruder from the moment of entry to and including flight from the scene
26 of a crime.

27 6. "MANIPULATION KEY" MEANS A KEY, DEVICE OR INSTRUMENT, OTHER THAN
28 A KEY THAT IS DESIGNED TO OPERATE A SPECIFIC LOCK, THAT CAN BE VARIABLY
29 POSITIONED AND MANIPULATED IN A VEHICLE KEYWAY TO OPERATE A LOCK OR CYLINDER,
30 INCLUDING A WIGGLE KEY, JIGGLE KEY OR ROCKER KEY.

31 7. "MASTER KEY" MEANS A KEY THAT OPERATES ALL THE KEYED LOCKS OR
32 CYLINDERS IN A SIMILAR TYPE OR GROUP OF LOCKS.

33 ~~6.~~ 8. "Nonresidential structure" means any structure other than a
34 residential structure.

35 ~~7.~~ 9. "Residential structure" means any structure, movable or
36 immovable, permanent or temporary, THAT IS adapted for both human residence
37 and lodging whether occupied or not.

38 ~~8.~~ 10. "Structure" means any vending machine, OR ANY building,
39 object, vehicle, railroad car or place with sides and a floor, THAT IS
40 separately securable from any other structure attached to it and THAT IS used
41 for lodging, business, transportation, recreation or storage.

42 ~~9.~~ 11. "Vending machine" means a machine that dispenses merchandise
43 or service through the means of currency, coin, token, credit card or other
44 nonpersonal means of accepting payment for merchandise or service received.

1 Sec. 2. Section 13-1505, Arizona Revised Statutes, is amended to read:
2 13-1505. Possession of burglary tools master key; manipulation
3 key; classification

4 A. A person commits possession of burglary tools by:

5 1. Possessing any explosive, tool, instrument or other article adapted
6 or commonly used for committing any form of burglary as defined in sections
7 13-1506, 13-1507 and 13-1508 and intending to use or permit the use of such
8 an item in the commission of a burglary.

9 2. BUYING, SELLING, TRANSFERRING, POSSESSING OR USING A MOTOR VEHICLE
10 MANIPULATION KEY OR MASTER KEY.

11 B. SUBSECTION A, PARAGRAPH 2 OF THIS SECTION DOES NOT APPLY TO A
12 PERSON WHO EITHER:

13 1. USES A MASTER KEY IN THE COURSE OF THE PERSON'S LAWFUL BUSINESS OR
14 OCCUPATION, INCLUDING LICENSED VEHICLE DEALERS AND MANUFACTURERS, KEY
15 MANUFACTURERS WHO ARE ENGAGED IN THE BUSINESS OF DESIGNING, MAKING, ALTERING,
16 DUPLICATING OR REPAIRING LOCKS OR KEYS, LOCKSMITHS, LOAN INSTITUTIONS THAT
17 FINANCE VEHICLES AND LAW ENFORCEMENT.

18 2. TRANSFERS, POSSESSES OR USES NO MORE THAN ONE MANIPULATION KEY,
19 UNLESS THE MANIPULATION KEY IS TRANSFERRED, POSSESSED OR USED WITH THE INTENT
20 TO COMMIT ANY THEFT OR FELONY.

21 B. C. Possession of burglary tools is a class 6 felony.

22 Sec. 3. Section 13-1506, Arizona Revised Statutes, is amended to read:
23 13-1506. Burglary in the third degree; classification

24 A. A person commits burglary in the third degree by:

25 1. Entering or remaining unlawfully in or on a nonresidential
26 structure or in a fenced commercial or residential yard with the intent to
27 commit any theft or any felony therein.

28 2. MAKING ENTRY INTO ANY PART OF A MOTOR VEHICLE BY MEANS OF A
29 MANIPULATION KEY OR MASTER KEY, WITH THE INTENT TO COMMIT ANY THEFT OR FELONY
30 IN THE MOTOR VEHICLE.

31 B. Burglary in the third degree is a class 4 felony.

APPROVED BY THE GOVERNOR APRIL 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2003.

Passed the House March 24, 2003,

by the following vote: 52 Ayes,

2 Nays, 6 Not Voting

Jake Flake
Speaker of the House
Norman L. Joyce
Chief Clerk of the House

Passed the Senate February 18, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Blumett
President of the Senate
Charmine Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1057

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 2, 2003,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Bennett
President of the Senate

Charmain Sullivan
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

2 day of April, 2003,

at 12:32 o'clock P M.

Sandra Camisey
Secretary to the Governor

Approved this 7 day of

April, 2003,

at 2³⁰ o'clock P M.

Jon R. Rye
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of April, 2003

at 4:27 o'clock P M.

Janice K. Brewer
Secretary of State

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